

PATENT
10/675,675

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 3628
: Examiner: Eric Liou
Ira R. Forman et al. : Confirmation No. 6754
Serial No: 10/675,675 :
Filed: 09/30/2003 :
Title: DISTRIBUTED COMPUTING :
CONNECTED VIA THE WORLD WIDE : Customer No. 25,299
WEB WITH A SYSTEM FOR :
TRACKING THE DISTRIBUTION OF :
COMPUTER POWER FROM CLIENT :
PROVIDERS TO CONSUMERS SO AS :
TO COMPENSATE PROVIDERS AND :
BILL USER CONSUMERS :
Date: 02-08-08 :

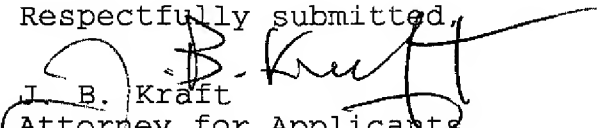
RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF
CORRECTED SECTION VII. ARGUMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notice of Non-Compliance
mailed February 5, 2008. Should there be any additional
charge herein, please charge Deposit Account 50-0563.

Respectfully submitted,


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ALL CORRESPONDENCE SHOULD BE DIRECTED TO:

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VII. Argument

The Rejection (Ground A.) of claims 1, 8, and 21, as anticipated, and thus unpatentable under 35 USC 102(e) over McKnight (2002/0165819) is Respectfully Traversed.

Accordingly, it is submitted that claims 1, 8, and 21 are patentable under 35 USC 102(e) and not anticipated by McKnight et al. (US2002/0165,819). The invention as defined in independent claims 1, 8, and 21 covers an embodiment wherein:

- each of the client stations providing power permits the power service broker access, via the Web, to their available computer power, and
- the broker then distributes, via the Web, to these client stations (providing the computer power) a process enabling the broker to access the computer power of a client station. (These elements are in each of independent claims 1, 8, and 21)

In this connection reference is made to the annotated claim 8 hereinabove, representative of the three independent claims, which refers to page 10, lines 1-14 of the present specification wherein there is described that in response to a client station agreeing or permitting access to its computer power, the service provider broker then distributes to agreeing client, a process (simple program) enabling the service provider broker to access the processing power from the client station. There is nothing in McKnight suggestive of this claimed implementation.

McKnight does generally disclose a variety of computer power distribution functions including soliciting power from client stations, distributing such power to a set of consumers, tracking consumer usage, and carrying out

appropriate collection and payment to client stations. However, McKnight fails to disclose the above mentioned combination of underlined elements:

Accordingly, it is submitted that the teaching of McKnight does not anticipate the invention defined in the independent claims 1, 8, and 21 under 35 U.S.C. 102. The MPEP in Section 706.02IV sets forth that the reference must teach every aspect of the claimed invention either explicitly or impliedly. McKnight does not disclose the combination:

each of the client stations providing power permits the power service broker access, via the Web, to their available computer power, and

broker then distributes a process enabling the broker to access the computer power of a client station.

The Rejection (Ground B.) of Dependent claims 2-3, 5, 9-10, 12, 22-23, and 25 under 35 USC 103(a) over above McKnight in view of Burnett (US2004/0093295) is respectfully Traversed.

Claims 2-3, 5, 9-10, 12, 22-23, and 25 are submitted to be patentable over the basic McKnight publication for all of the reasons set forth hereinabove for the patentability of Independent claims 1, 8, and 21 from which these claims respectively depend. In addition these claims respectively claim further individual functions such as determining market value of the provided computer power; or paying the client stations such market value; or determining value based upon the type of data processed; or billing for such services by creating bills as Web documents. Even it be conceded that these further functions are suggested by Burnett, it remains respectfully submitted that these dependent claims are patentable for all of the

reasons set forth for the patentability of their respective independent claims 1, 8, and 21.

The Rejection (Gound C.) of Dependent claims 4, 11, and 24 under 35 USC 103(a) over above McKnight in view of Burnett(US2004/0093295 Further in view of Shuster (2002/0165819) is respectfully Traversed.

Claims 4, 11, and 24 are submitted to be patentable over the basic McKnight publication for all of the reasons set forth hereinabove for the patentability of Independent claims 1, 8, and 21 from which these claims respectively depend. In addition these claims respectively claim further individual functions wherein the computer power consumers are owned by charitable organizations, and a Web document indicating the donation to the contribution of the charitable organization is the given in compensation to the client stations contributing such computer power. Here again, even it be conceded that these further functions are suggested by Burnett in view of Shuster, it remains respectfully submitted that these dependent claims are patentable for all of the reasons set forth for the patentability of their independent claims.

As set forth above, in order to narrow the issues on Appeal, Appellants have chosen not to argue the specific patentability of dependent claims 2-5, 9-12, and 22-25, and to base the patentability of these dependent claims upon the patentability of their respective independent claims: 1, 8, and 21.